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7 CORRECTIONS CORPORATION OF AMERICA

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10
11 LEEANN E. ARCHULETA; and
12 MICHAEL B. DICKENS,

13 Plaintiffs,

14 vs.

15 CORRECTIONS CORPORATION OF
16 AMERICA, a Maryland corporation, doing
business as NEVADA SOUTHERN
DETENTION CENTER,

17 Defendant.

Case No. 2:15-cv-01608-MMD-VCF

STIPULATED PROTECTIVE ORDER

18
19 Plaintiffs LEEANN E. ARCHULETA and MICHAEL B. DICKENS, and Defendant
20 CORECIVIC, formerly known as CORRECTIONS CORPORATION OF AMERICA doing
21 business as NEVADA SOUTHERN DETENTION CENTER (collectively referred to as the
22 “parties”), by and through their respective counsel of record, hereby stipulate that in order to
23 protect the confidentiality of confidential information produced by the parties in connection with
24 this case, the parties agree as follows:

25 1. Any party may designate as “confidential” (by stamping the relevant page or
26 labeling the item or as otherwise set forth herein) any item, piece of information, document or
27 response to discovery, which that party considers in good faith to contain information involving:
28 personal and confidential information of third-parties or non-parties; trade secrets; or sensitive

1 and/or confidential business or financial information of the parties that is subject to protection
2 under the Federal Rules of Civil Procedure or Nevada law ("Confidential Information"). Where a
3 document or response consists of more than one page, the first page and each page on which
4 Confidential Information appears shall be so designated.

5 2. A party may designate documents, items, or information disclosed during a
6 deposition and/or in response to written discovery as "confidential" by so indicating in said
7 response, or on the record at the deposition and requesting the preparation of a separate transcript
8 of such material. Additionally, a party may designate in writing, within twenty (20) days after
9 receipt of said responses or of the deposition transcript for which the designation is proposed, that
10 specific pages of the transcript and/or specific responses be treated as Confidential Information.
11 Any other party may object to such proposal, in writing or on the record. Upon such objection, the
12 parties shall follow the procedures described in paragraph 8 below. After any designation made
13 according to the procedure set forth in this paragraph, the designated documents or information
14 shall be treated according to the designation until the matter is resolved according to the
15 procedures described in paragraph 8 below, and counsel for all parties shall be responsible for
16 making all previously unmarked copies of the designated material in their possession or control
17 with the specified designation. Any medical records produced pursuant to an "Authorization for
18 Release of Protected Health Information," or similar release signed for the production of medical
19 records, are designated "confidential" for purposes of this Stipulation even without the labeling set
20 forth in Paragraph 1.

21 3. All Confidential Information produced or exchanged in the course of this
22 case (other than information that is publicly available) shall be used by the party to whom the
23 information is produced solely for the purpose of this case.

24 4. Except with the prior written consent of other parties, or upon prior order of
25 this Court obtained upon notice to opposing counsel, Confidential Information shall not be
26 disclosed to any person other than:

27 (a) the parties to this litigation and their respective counsel, including in-
28 house counsel and co-counsel retained for this litigation;

1 (b) employees of such counsel;
2 (c) any officer or employee of a party, to the extent deemed necessary by
3 Counsel for the prosecution or defense of this litigation;
4 (d) consultants or expert witnesses retained for the prosecution or
5 defense of this litigation, provided that each such person shall execute a copy of the Certification
6 attached to this Order as Exhibit "A" (which shall be retained by counsel to the party who
7 disclosed the Confidential Information and shall be made available for inspection by opposing
8 counsel during the pendency of the case);
9 (e) any authors or recipients of the Confidential Information;
10 (f) the Court, Court personnel, and court reporters; and
11 (g) witnesses (other than persons described in paragraph 4(e)). A witness
12 shall sign the Exhibit A Certification before being shown a confidential document. Confidential
13 Information may be disclosed to a witness who will not sign the Certification only in a deposition
14 at which the party who designated the Confidential Information is represented or has been given
15 notice that Confidential Information shall be designated "Confidential" pursuant to paragraph 2
16 above. Witnesses shown Confidential Information shall not be allowed to retain copies.

17 5. Any persons receiving Confidential Information shall not reveal or discuss
18 such information to or with any person who is not entitled to receive such information, except as
19 set forth herein.

20 6. A party seeking to file a document with Confidential Information under seal
21 must file a motion to seal that complies with the requirements of LR IA 10-5 and the directives set
22 forth in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

23 7. A party may designate as "Confidential" documents or discovery materials
24 produced by a non-party by providing written notice to all parties of the relevant document
25 numbers or other identification within thirty (30) days after receiving such documents or discovery
26 materials. Any party may voluntarily disclose to others without restriction any information
27 designated by that party as confidential, although a document may lose its confidential status if it is
28 made public.

1 8. If a party contends that any material is not entitled to confidential treatment,
2 such party may at any time give written notice to the party who designated the material. The party
3 who designated the material shall have twenty (20) days from the receipt of such written notice to
4 apply to the Court for an order designating the material as confidential. The party seeking the
5 order has the burden of establishing that the document is entitled to protection.

6 9. Notwithstanding any challenge to the designation of material as Confidential
7 Information, all documents or items designated as confidential shall be treated as such and shall be
8 subject to the provisions hereof unless and until one of the following occurs:

9 (a) the party that claims that the material is Confidential Information
10 withdraws such designation in writing; or

11 (b) the party that claims that the material is Confidential Information
12 fails to apply to the Court for an order designating the material confidential within the time period
13 specified above after receipt of a written challenge to such designation; or

14 (c) the Court rules the material is not confidential.

15 10. All provisions of this Order restricting the communication or use of
16 Confidential Information shall continue to be binding after the conclusion of this action, unless
17 otherwise agreed or ordered. Upon conclusion of the litigation, a party in the possession of
18 Confidential Information, other than that which is contained in pleadings, correspondence, and
19 deposition transcripts, shall either (a) return such documents or items no later than twenty (20)
20 days after conclusion of this action to counsel for the party who provided such information, or (b)
21 destroy such documents within the time period upon consent of the party who provided the
22 information and certify in writing within twenty (20) days that the documents have been destroyed.

23 11. The terms of this Order do not preclude, limit, restrict, or otherwise apply to
24 the use of documents at trial.

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12. Nothing herein shall be deemed to waive any applicable privilege or work product protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of material protected by privilege or work product protection.

Dated: December 21, 2018

Dated: December 21, 2018

Respectfully submitted,

Respectfully submitted,

/s/ Robert P. Spretnak, Esq.

/s/ Roger L. Grandgenett, II, Esq.

ROBERT P. SPRETNAK, ESQ.
LAW OFFICES OF ROBERT P.
SPRETNAK

ROGER L. GRANDGENETT II, ESQ.
Z. KATHRYN BRANSON, ESQ.
LITTLER MENDELSON, P.C.

Attorney for Plaintiffs
LEEANN E. ARCHULETA and
MICHAEL B. DICKENS

Attorneys for Defendant,
CORRECTIONS CORPORATION OF
AMERICA

ORDER

IT IS SO ORDERED.

Dated: 12/21, 2018.



UNITED STATES MAGISTRATE JUDGE

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EXHIBIT A
CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order in LEEANN E. ARCHULETA; and MICHAEL B. DICKENS v. CORECIVIC, formerly known as CORRECTIONS CORPORATION OF AMERICA, a Maryland corporation, doing business as NEVADA SOUTHERN DETENTION CENTER, Case No. 2:15-cv-01608-MMD-VCF. I have been given a copy of that Order and read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information – including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information – including copies, notes or other transcriptions made therefrom – to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED: _____
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